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Paper No. 4

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In re Application of :
Patterson et al. :
Application No. 10/071,702 :
Filed: February 8, 2002 :
Attorney Docket No. PA084-US :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed on April 30, 2002, requesting the application be accorded a filing date of February 8, 2002, including page 47 of the specification.

The petition is granted.

The application was filed on February 8, 2002. However, on March 1, 2002, the Initial Patent Examination Division mailed a Notice to File Corrected Application Papers, noting, *inter alia*, that page 47 of the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner argues that page 47 of the specification was included among 56 pages of specification filed initially, on February 8, 2002, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of 56 pages of specification filed on February 8, 2002.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 56 pages of specification, by this Office on February 8, 2002. Petitioner has also re-submitted page 47 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of page 47 of the specification, supplied on April 30, 2002, will be used for examination purposes.

No petition fee is required. A refund of the petition fee, \$130.00, has been scheduled.

The application will be returned to the Initial Patent Examination Division for further processing as a nonprovisional application with a filing date of February 8, 2002, and an indication that 56 pages of specification, including page 47 of the specification, were present on filing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Christina Carter Donnell for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

Conferee: Christina Donnell, Esq.